

June 17, 2005

Case No.: AUS920010540US1 (9000/51)

Serial No.: 09/935,396

Filed: August 23, 2001

Page 8 of 9

REMARKS/DISCUSSION OF ISSUES

Applicants thank the Examiner for her many courtesies shown in the interview of June 2, 2005. Applicants are confident that progress was made during the interview, having pointed out the §103(c) argument described below.

Claims 1-22. Claims 1-22 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Gundewar* in view of *Barnard*. The rejection of claims 1-22 is traversed.

35 U.S.C. §103(c) states that subject matter developed by another which qualifies as prior art only under one or more of subsections 35 U.S.C. §102(e), (f) and (g) is not to be considered when determining whether an invention sought to be patented is obvious under 35 U.S.C. §103(a), provided the subject matter and the claimed invention were commonly owned at the time the invention was made.

The *Barnard* reference and the instant application were commonly owned at the time the invention was made.

Withdrawal of the rejection of claims 1-22 under U.S.C. §103(a) as being unpatentable by *Gundewar* in view of *Barnard* is therefore respectfully requested.

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Serial No.: 09/935,396
Filed: August 23, 2001
Page 9 of 9

CONCLUSION

The Applicant respectfully submits that claims 1-22 as listed herein fully satisfy the requirements of 35 U.S.C. §§102, 103 and 112. In view of the foregoing, favorable consideration and early passage to issue of the present application is respectfully requested.

Dated: June 17, 2005

Respectfully Submitted,
CARL P. GUSLER, *et al*



Frank C. Nicholas
Registration No. 33,983
Attorney for Applicants

CARDINAL LAW GROUP
Suite 2000
1603 Orrington Avenue
Evanston, Illinois 60201
Phone: (847) 905-7111
Fax: (847) 905-7113